

## REMARKS

Claims 1, 3, 5-10, 12-17, 19-21, 23-32, 34-36, and 38-40 are pending. Claims 13-17, 31, 32, 34-36 and 38-40 are cancelled due to a restriction requirement.

An amended abstract of the disclosure is enclosed that is consistent with 37 CFR 1.72(b).

Claims 1, 3 and 5-9 are currently amended to delete the non-elected subject matter.

Claim 1 is currently amended to delete the terms "textile" and "fabric" from the definition of component (a) as requested by the Examiner.

Additionally, claim 1 is currently amended to incorporate the limitations of claim 23; hence, claim 23 is cancelled.

Claims 24-28 are currently amended to correct dependency.

Claim 30 is currently amended to delete the terms "laundry detergents and fabric softeners, non-detergent-based fabric care products" and "textile-care products, rug cleaners and carpet shampoos" from the definition of household cleaning and treating agents.

No new matter is added.

Claims 1, 3, 5-10, 12, 19-21, and 24-30 are presented for reconsideration.

### **Restriction under 35 USC 121 and 372**

Claims 1, 3, 5-10, 12-17, 19-21, 23-32, 34-36, and 38-40 are subject to restriction as set forth in the Office Action. Responsive thereto, the election of Group I, claims 1, 3, 5-10, 12-17, 19-21 and 23-30, that is drawn to a stabilized composition, is affirmed.

As required further by the Office Action for the election of this group, the species election of formulae (A\*) is made as elected species one and dibenzoylmethane derivatives (c1) as elected species two.

Additionally, all non-elected subject matter has been deleted except the compounds of Formula B\*. The Applicants aver that the inclusion of the compounds of Formula B\* would not create an undue examination and search burden on the Examiner. Therefore, the compounds of Formula B\* should be included with the compounds of Formula A\*.

These elections are made without traverse.

In light of this discussion, the Applicants submit that the restriction requirement under 35 USC 121 and 372 is addressed and is overcome.

#### **Claim Rejection – 35 USC 112, Second Paragraph**

Claims 1, 3, 5-10, 12, 19-21 and 23-30 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner believes that claim 1 is vague and indefinite in that the claim recites a composition but also claims an article of construction – namely, textile or fabric. As suggested by the Examiner, the terms “textile” and “fabric” are deleted from claim 1.

In light of this discussion, the Applicants submit that the rejection under 35 USC 112, second paragraph, is addressed and is overcome.

#### **Claim Rejections – 35 USC 103(a)**

1). Claims 1, 3, 5-10, 12, 19-21 and 23-30 are rejected under 35 USC 103(a) as being obvious over WO 2004/076419 or WO 2003/103622, both in view of WO 2001/36396.

a). WO 2004/076419. The US National Stage Application of WO 2004/076419 is US 2005/261401.

The presently claimed invention and US 2005/261401 were, at the time the invention was made, entirely assigned to Ciba Specialty Chemicals Corporation.

The assignment of US 2005/261401 was recorded in the USPTO September 2, 2005, reel/frame 016942/0428.

The assignment of the instant application was recorded in the USPTO January 29, 2007, reel/frame 018842/0988.

**b).** WO 2003/103622. The US National Stage Application of WO 2003/103622 is US 2005/220727.

The presently claimed invention and US 2005/220727 were, at the time the invention was made, entirely assigned to Ciba Specialty Chemicals Corporation.

The assignment of US 2005/220727 was recorded in the USPTO July 5, 2005, reel/frame 016740/0223.

The assignment of the instant application was recorded in the USPTO January 29, 2007, reel/frame 018842/0988.

**c).** WO 2001/36396. The US National Stage Application of WO 2001/36396 is US 2005/0158255.

The presently claimed invention and US 2005/0158255 were, at the time the invention was made, entirely assigned to Ciba Specialty Chemicals Corporation.

The assignment of US 2005/0158255 was recorded in the USPTO January 21, 2003, reel/frame 013688/0948.

The assignment of the instant application was recorded in the USPTO January 29, 2007, reel/frame 018842/0988

Accordingly, the instant application and US 2005/261401, US 2005/220727, and US 2005/0158255 are commonly assigned to Ciba Specialty Chemicals Corporation.

**2).** Claims 1, 3, 5-10, 12, 19-21 and 23-30 are rejected under 35 USC 103(a) as being unpatentable over Zanardi et al (US 2004/0023837), Koller et al (US 6,630,002) or Seltzer et al (US 6,254,724), all in view of WO 2001/036396.

US 2004/0023837 teach liquid compositions containing alkali or alkaline earth hypochlorites and certain sterically hindered amines for bleaching and sanitizing fabrics.

US 6,630,002 teach a process for staining wood, which comprises treating the unstained wood with an aqueous preparation containing at least one dye and a dye stabilizer which is a sterically hindered amine.

US 6,254,724 teach pulps or papers, especially chemi-mechanical pulps or papers, which still contain lignin, having enhanced resistance to yellowing when said pulp or paper contain an effective stabilizing amount of a sterically hindered amine compound.

WO 2001/036396 teaches benzotriazole UV absorbers which may be used in the cosmetic treatment of human hair for protection against UV radiation. Additionally, other UV absorbers may be used such as dibenzoylmethane derivatives such as 1-(4-tert-butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione, etc.

Claim 1 is currently amended to delete the terms "fabric" and "textile". Claim 30 is currently amended to delete the terms "laundry detergents and fabric softeners, non-detergent-based fabric care products" and "textile-care products, rug cleaners and carpet shampoos" from the definition of household cleaning and treating agents.

The limitations of the instantly amended claims can not be derived from the US 2004/0023837, US 6,630,002, US 6,254,724 and WO 2001/036396; either alone or in combination; hence, the limitations are not met.

In light of these discussion and amendments, the Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

### **Double Patenting**

Claims 1, 3, 5-10, 12, 19-21, and 23-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14, 16-20 and 22 of co-pending US Application No. 10/512,528.

A terminal disclaimer over US Application No. 10/512,528 is filed herewith.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Enclosure: Terminal Disclaimer over US Application No. 10/130,235  
Terminal Disclaimer over US Application No. 10/512,528  
Terminal Disclaimer over US Application No. 11/136,792